

Interview Summary

Application No.

09/412,558

Applicant(s)

Hwang et al.

Examiner

S. Devi, Ph.D.

Art Unit

1645

All participants (applicant, applicant's representative, PTO personnel):

(1) S. Devi (PTO)(3) Rocky Tsao(2) Lynette Smith (PTO)

(4) _____

Date of Interview Jul 22, 2003

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No. If yes, brief description:Proposed arguments.Claim(s) discussed: All of record.

Identification of prior art discussed:

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The new matter and the art rejections of record were discussed. Suggestions were given towards using closed claim language instead of the 'excluding' language to avoid the new matter issue. Applicants stated that Hickey's fusion construct contains 'branched polypeptide' whereas the polypeptide in the claimed product is linear. It was explained to Applicants that claim 14 as presented does not exclude a non-linear product. The relevant part of the sentence bridging pages 9 and 10 of Hickey et al. disclosing less toxic PE variant, whaving the ADP ribosylating region deleted, as the preferred variant for use with GnRH was particularly brought to Applicants' attention. Parts of Pastan et al. and Hwang et al. teaching PE Ia as a less toxic product for use in a vaccine even safer than PE toxoid and capable of eliciting antibodies was also explained to Applicants in response to their allegation of lack of motivation to combine the three references.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

SD 07/22/03
S. DEVI, PH.D.
PRIMARY EXAMINER
ART UNIT 1645

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required